

FILED

Lucinda B. Rauback, Clerk
United States Bankruptcy Court
Savannah, Georgia
By pbryan at 1:23 pm, Jan 24, 2013

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE

SOUTHERN DISTRICT OF GEORGIA
Savannah Division

IN RE:)	Chapter 7 Case
)	Number <u>12-41944</u>
JAMES ALLEN ZOW, SR.)	
)	
Debtor)	
_____)	

OPINION AND ORDER

Before the Court are two Emergency Motions for Continuance Respecting Hearing Scheduled for January 25, 2013 filed by James Allen Zow, Sr. ("Mr. Zow" or "Debtor"). Dckt. Nos. 150 and 155. After considering the motions, the matter will be continued one time until February 8, 2013 at 10:00 a.m. There will be no further continuance of these matters.

This is a chapter 7 case which has been pending since early October 2012. There is a threshold issue of whether Mr. Zow timely completed his credit counseling. On November 5, 2012, the Clerk issued a Notice of Mr. Zow's Failure to File a valid Credit Counseling Certificate. Dckt. No. 35. If Mr. Zow failed to timely obtain credit counseling he is ineligible to be a debtor. See 11 U.S.C. §109(h); see also In re Jones, 2008 WL 7390621 (Bankr. S.D. Ga. Apr. 28, 2008); In re Neal, Chap. 7 Case No. 08-10277, slip op. (Bankr. S.D. Ga. Apr. 30, 2008); In re Sharpton, Chap. 13 Case No.

08-12171, slip op. (Bankr. S.D. Ga. Nov. 6, 2008); In re Irwin, 2009 WL 5322418 *2 (Bankr. S.D. Ga. Apr. 8, 2009). Mr. Zow has had the protection of the bankruptcy stay for more than three months. His eligibility to be a debtor is a threshold issue that needs prompt resolution and therefore no further continuances shall be given.

The remaining pending matters have been properly noticed and are ripe for consideration. Most of these matters are all intertwined with the threshold issue of whether Regions Bank and Shapiro & Swertfeger, LLP having standing in this bankruptcy case. The Court must promptly address these threshold issues of standing. Once the standing issues have been resolved, the motion for relief will be ripe for consideration.

A review of the record reflects that numerous pleadings have already been filed on the matters at hand. Many of these pleadings are duplicative and filed on the eve of scheduled hearings. For these reasons, the briefing schedule set forth below is merited.

It is ORDERED that any party shall be allowed to file two additional briefs addressing the matters scheduled for the February 8, 2013 hearing. The combined page total of such briefs shall not

exceed a total of twenty (20) pages per party.¹ All such briefs shall be filed on or before February 6, 2013.

It is further ORDERED that Mr. Zow's Emergency Motions for Continuance Respecting Hearing Scheduled for January 25, 2013 having been read and considered is ORDERED GRANTED for ONE CONTINUANCE. The hearing is ORDERED continued until February 8, 2013 at 10:00 a.m.



SUSAN D. BARRETT
CHIEF UNITED STATES BANKRUPTCY JUDGE

Dated at Augusta, Georgia
this 24th day of January, 2013.

¹ At the January 18, 2013 hearing each side was afforded the opportunity to submit ten page briefs on the credit counseling issue.